

House File 538 - Reprinted

HOUSE FILE _____
BY COMMITTEE ON HUMAN RESOURCES

(SUCCESSOR TO HF 184)

Passed House, Date _____ Passed Senate, Date _____
Vote: Ayes _____ Nays _____ Vote: Ayes _____ Nays _____
Approved _____

A BILL FOR

1 An Act revising child welfare requirements involving children
2 with mental health, behavioral, or emotional disorders and
3 providing a contingent effective date.
4 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:
5 TLSB 1880HV 81
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1 1 Section 1. Section 135H.6, Code 2005, is amended by adding
1 2 the following new subsection:
1 3 NEW SUBSECTION. 11. If a child has an emotional,
1 4 behavioral, or mental health disorder, the psychiatric
1 5 institution does not require court proceedings to be initiated
1 6 or that a child's parent, guardian, or custodian must
1 7 terminate parental rights over or transfer legal custody of
1 8 the child for the purpose of obtaining treatment from the
1 9 psychiatric institution for the child. Relinquishment of a
1 10 child's custody shall not be a condition of the child
1 11 receiving services.
1 12 Sec. 2. Section 232.2, subsection 6, paragraph f, Code
1 13 2005, is amended to read as follows:
1 14 f. Who is in need of treatment to cure or alleviate
1 15 serious mental illness or disorder, or emotional damage as
1 16 evidenced by severe anxiety, depression, withdrawal, or
1 17 untoward aggressive behavior toward self or others and whose
1 18 parent, guardian, or custodian is unwilling ~~or unable~~ to
1 19 provide such treatment.
1 20 Sec. 3. Section 234.7, Code 2005, is amended to read as
1 21 follows:
1 22 234.7 DEPARTMENT DUTIES.
1 23 1. The department of human services shall comply with the
1 24 following requirement associated with child foster care
1 25 licensees under chapter 237:
1 26 The department shall include a child's foster parent in,
1 27 and provide timely notice of, planning and review activities
1 28 associated with the child, including but not limited to
1 29 permanency planning and placement review meetings, which shall
1 30 include discussion of the child's rehabilitative treatment
1 31 needs.
1 32 2. a. The department of human services shall submit a
1 33 waiver request to the United States department of health and
1 34 human services as necessary to provide coverage under the
1 35 medical assistance program for not more than three hundred
2 1 children at any one time who are described by both of the
2 2 following:
2 3 (1) The child needs behavioral health care services and
2 4 qualifies for the care level provided by a psychiatric medical
2 5 institution for children licensed under chapter 135H.
2 6 (2) The child is in need of treatment to cure or alleviate
2 7 serious mental illness or disorder, or emotional damage as
2 8 evidenced by severe anxiety, depression, withdrawal, or
2 9 untoward aggressive behavior toward self or others and whose
2 10 parent, guardian, or custodian is unable to provide such
2 11 treatment.
2 12 b. If federal approval of the waiver request is granted,
2 13 the department shall renegotiate the medical assistance
2 14 contract provisions for behavioral health services as
2 15 necessary for the contractor to address the needs of children
2 16 described in paragraph "a". If federal approval is not
2 17 received, the department shall present options to the governor

2 18 and general assembly to meet the needs of such children
2 19 through a state-funded program.

2 20 Sec. 4. CONTINGENT EFFECTIVE DATE.

2 21 1. The section of this Act amending section 232.2,
2 22 subsection 6, paragraph "f", shall take effect on the initial
2 23 implementation date of either of the following contingencies,
2 24 providing one of the contingencies is implemented:

2 25 a. Federal approval is received for the waiver request
2 26 submitted by the department of human services pursuant to
2 27 section 234.7, subsection 2, paragraph "a", as enacted by this
2 28 Act.

2 29 b. A state-funded program is implemented in lieu of the
2 30 federal waiver, as described in section 234.7, subsection 2,
2 31 paragraph "b", as enacted by this Act.

2 32 2. The department of human services shall notify the Code
2 33 editor if either of the contingencies in subsection 1 occurs.

2 34 3. If federal approval is received for the waiver request
2 35 described in subsection 1, paragraph "a", the department of
3 1 human services shall convene a review committee to advise the
3 2 department regarding the waiver's implementation. The
3 3 committee membership may include but is not limited to
3 4 juvenile judges, parents of children participating in the
3 5 waiver, service providers, departmental staff, at least two
3 6 members of the general assembly, and others with knowledge
3 7 concerning the waiver. The committee shall be convened when
3 8 there are a sufficient number of children participating in the
3 9 waiver for there to be implementation issues to consider or
3 10 six months following the commencement date of the waiver,
3 11 whichever is sooner.

3 12 4. If federal approval is received for the waiver request
3 13 described in subsection 1, paragraph "a", the child or family
3 14 receiving services under the waiver shall have access to case
3 15 management or another form of service coordination function.

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